

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

THURSTON SANDERS,	:	
	:	
Plaintiff,	:	No. 17-cv-3430 (NLH)(AMD)
	:	
v.	:	MEMORANDUM OPINION & ORDER
	:	
UNITED STATES OF AMERICA,	:	
et al.,	:	
	:	
Defendants.	:	
	:	

APPEARANCES:

THURSTON SANDERS
2792 W. NORTH AVENUE
BALTIMORE, MD 21216

Plaintiff appearing pro se

HILLMAN, District Judge

It appearing that:

1. On May 15, 2017, Plaintiff, appearing *pro se*, filed this civil rights action by complaint against the United States and other unidentified staff members employed at the Federal Correctional Institution at Fort Dix for injuries he suffered as a result of falling from the top bunk bed. See ECF No. 1.

2. On February 26, 2018, the Court screened the complaint and dismissed it without prejudice for failure to state a claim pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A. See ECF Nos. 6 (opinion), 7 (order). The Court also granted Plaintiff leave to

amend to correct his pleading deficiencies within thirty (30) days from the date of the order. See id.

3. Plaintiff did not file an amended complaint within the time provided. He did, however, file a letter request for an extension of time in which to file an amended complaint, which the Court granted. See ECF Nos. 8 (letter request), 12 (September 5, 2018 order granting an additional thirty days in which to file an amended complaint).

4. Plaintiff did not file an amended complaint within the extended period of time to do so. Instead, Plaintiff filed a motion requesting additional time to file an amended complaint. See ECF No. 13.

5. The Court granted Plaintiff one final extension in which to file an amended complaint. See ECF No. 17. The Court afforded Plaintiff an additional 30 days - to June 7, 2019 - to file an amended complaint. The Court also directed the Clerk's Office to provide Plaintiff with a blank form for a civil rights complaint to be utilized in any future filing of an amended complaint.

6. On June 7, 2019, Plaintiff timely responded to the Court's Order, but instead of filing an amended complaint, Plaintiff filed a motion to stay his case. ECF No. 19. That motion is currently pending. Plaintiff has requested that the

Court stay his case for an indefinite period of time so that he can retain a lawyer to prosecute his case on his behalf.

7. On August 12, 2019, Plaintiff filed a notice of change of address.¹ ECF No. 20.

8. In the five months since that time, Plaintiff has not contacted the Court regarding the filing of an amended complaint or the status of his efforts to retain counsel.

9. Other than to address Plaintiff's various motions and requests, the matter has been in closed status since Plaintiff's original - and only - complaint was dismissed without prejudice on February 26, 2018. ECF No. 6 and 7.

10. Plaintiff's motion to stay must be denied because (1) there is no viable complaint in this action, (2) Plaintiff failed to file an amended complaint pursuant to the Court's Order granting Plaintiff one final extension of time to do so, (3) the matter has been in closed status since February 26, 2018, and (4) a civil action, particularly one without a viable complaint, may not be held in suspense indefinitely, see Cheyney State College Faculty v. Hufstedler, 703 F.2d 732, 738 (3d Cir. 1983) (citing Landis v. North American Company, 299 U.S. 248,

¹ When Plaintiff filed his complaint, he was incarcerated at FCI Fort Dix in New Jersey. Plaintiff now resides in Baltimore, Maryland.

254-255 (1936)) (explaining that a district court has discretion to stay a matter, and the Supreme Court "approved stays of moderate length," but "not those of indefinite duration which require a party to take affirmative steps for dissolution").

IT IS THEREFORE on this 2nd day of January, 2020,

ORDERED that the Clerk of Court shall reopen this matter by making a new and separate entry on the docket reading "CIVIL CASE REOPENED;" and it is further

ORDERED that Plaintiff's Motion to Stay, ECF No. 19, is DENIED; and it is finally

ORDERED that the Clerk of the Court shall serve Plaintiff with copies of this Order via regular mail and mark this matter closed.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.